

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 438

HOUSE BILL NO. 352

By Representatives Hackworth, Evans, Ford, Williams, Watson, Shepard, Tindell, Armstrong, Mike Turner, Maddox, Curtiss, Harmon, Moore, Gilmore, Stewart, Ty Cobb, Odom, Barker, Shaw, Bone, McDonald, Pitts, Sherry Jones, Curt Cobb, Fitzhugh, McDaniel, Rich, Harrison

Substituted for: Senate Bill No. 529

By Senator McNally

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 36, Part 8, relative to reemployment without suspension or loss of retirement benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following as a new, appropriately designated section:

8-36-8__.

(a) Notwithstanding any provision of law to the contrary, any person retired for at least one (1) year from the Tennessee consolidated retirement system, or from any superseded system administered by the state may accept covered employment with a different employer, as such term is defined in subsection (b) of this section below, without suspension of retirement benefits if the following conditions are met:

(1) The head of the employing entity files a form with the division of retirement certifying that the retired member has the requisite experience, training and expertise for the position to be filled. The form shall be filed annually, if applicable, and signed by the retired member acknowledging the conditions contained in this subsection (a);

(2) During the retired member's employment pursuant to this section, the retirement benefits payable to the retired member shall be reduced to seventy percent (70%) of the entire amount the member would have otherwise been entitled to receive during that period; and

(3) Such retired member shall not be eligible to accrue additional retirement benefits as a result of such employment.

(b) For purposes of this section, "different employer" means an employer other than the employer for which the person last worked prior

to separation from covered employment. All departments, agencies and instrumentalities in the executive, legislative and judicial branches of state government, including public institutions of higher education, shall be deemed one and the same employer. All departments, agencies and instrumentalities of an employer participating in the Tennessee consolidated retirement system pursuant to chapter 35, part 2 of this title shall be deemed one and the same employer. Furthermore, with the exception of special school districts, a city school system shall be considered an instrumentality of the city wherein the school system is located, and a county school system shall be considered an instrumentality of the county wherein the school system is located.

(c) The provisions of this section shall not be construed to prohibit any retired member or prior class member of the Tennessee consolidated retirement system from returning to service temporarily in a position covered by the Tennessee consolidated retirement system pursuant to § 8-36-805 during the one-year period described in subsection (a) of this section.

(d) The provisions of this section shall cease to be effective on June 30, 2012.

SECTION 2. This act shall take effect on July 1, 2009, the public welfare requiring it.

PASSED: June 8, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR